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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,423	04/16/2004	Ta-Yi Lee	MR2847-13	9943
<div>4586                      7590                      04/17/2008</div> <div>ROSENBERG, KLEIN &amp; LEE</div> <div>3458 ELLICOTT CENTER DRIVE-SUITE 101</div> <div>ELLICOTT CITY, MD 21043</div>				
<div>EXAMINER</div> <div>DAIBOUR, HENRY</div>				
<div>ART UNIT</div> <div>2625</div>		<div>PAPER NUMBER</div>		
<div>MAIL DATE</div> <div>04/17/2008</div>		<div>DELIVERY MODE</div> <div>PAPER</div>		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,423

**Applicant(s)**

LEE ET AL.

**Examiner**

HENRY DAHBOUR

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figures 1 & 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-6, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (U.S.6646770).

Regarding claim 1, Lee discloses a method for controlling ON/OFF of LED in a scanner that uses a LED as light source, comprising steps of switching the LED on/off according to the frequency of the optical signals received by the scanner (see Figure 2).

Regarding claim 3, Lee discloses wherein the LED is an assembly of a red light LED, a green light LED and a blue light LED (see "R LED...G LED...B LED" in Figure 2).

Regarding claim 4, Lee discloses wherein the scanner reads red light optical signals when the LED is switched on (see Figure 2).

Regarding claim 5, Lee discloses wherein the scanner reads green light optical signals when the LED is switched on (see Figure 2).

Regarding claim 6, Lee discloses wherein the scanner reads blue light optical signals when the LED is switched on (see Figure 2).

Regarding claim 8, Lee discloses wherein the scanner reads the optical signals through a charge-coupled device CCD (see "CCD" in line 16 in column 1).

Regarding claim 9, Lee discloses wherein the scanner controls the frequency of reading optical signals and the ON/OFF of the LED through a time pulse (see "Pulse" in Figure 2).

Regarding claim 10, Lee discloses wherein the LED is switched on to allow the scanner to receive the optical signals when the time pulse is at a low potential (see Figure 2).

Regarding claim 11, Lee discloses wherein the LED is switched off to allow the scanner to stop receiving the optical signals when the time pulse is at a high potential (see Figure 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S.6646770) in view of Stavely et al (U.S.5969372).

Lee does not disclose the LED being a white light LED.

Stavely discloses this feature (see "LED's could be used for the white light source" in line 67 in column 8).

Lee and Stavely are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Stavely with the device of Lee.

The suggestion/motivation for doing so is because Stavely et al teaches that it is possible for a white light source LED to be pulsed on and off very rapidly (see "LED's could be used for the white light source...could then be rapidly pulsed on and off" in line 67 in column 8, and in lines 2-3 in column 9).

Therefore, it would have been obvious to combine Lee with Stavely to obtain the invention specified in claim(s) 2.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S.6646770) in view of the admitted prior art.

Lee does not disclose R/G/B optical signals being read.

Applicant's Figure 2 discloses this feature (see "R/G/B" in Figure 2).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine this feature with the device of Lee.

The suggestion/motivation for doing so is because Applicant's specification discloses that this feature is conventional in the art (see "FIG.2....conventional" in line 4 in page 4 of Applicant's specification").

Also, Lee and the admitted prior art are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

Therefore, it would have been obvious to combine Lee with the admitted prior art to obtain the invention specified in claim(s) 7.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shen et al, Uchida, Takei, Kapes Jr., Ueta et al, Razavi, Boerger et al and Nakamura et al are cited to show imaging devices and LED's.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HD

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625